

HOUSE BILL 2268
By Ritchie

AN ACT to amend Tennessee Code Annotated, Title 9, Chapter 8, Part 3, and Title 9, Chapter 8, Part 4, relative to the claims commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 9-8-301, is amended by deleting subsection (a) and substituting instead the following:

(a) There is hereby created an administrative tribunal consisting of four (4) members, one (1) from each of four (4) divisions of the state, known as the Tennessee claims commission. The commission shall be organized into four (4) divisions as follows: (1) Eastern Division -- Johnson, Carter, Unicoi, Washington, Sullivan, Greene, Hawkins, Hancock, Hamblen, Grainger, Jefferson, Sevier, Blount, Cocke, and Knox; (2) Mid-Eastern Division -- Marion, Bledsoe, Rhea, Bradley, McMinn, Monroe, Polk, Campbell, Claiborne, Scott, Union, Cumberland, Hamilton, Loudon, Meigs, Morgan, Roane, Anderson, and Knox; (3) Middle Division -- The division comprises the middle grand division as defined in TCA, § 4-1-203; and (4) Western Division -- The division comprises the western grand division as defined in TCA, § 4-1-204.

Knox County shall be included in both the Eastern and Mid-Eastern Divisions and cases in Knox County shall be handled as set out in § 9-8-305(2).

SECTION 2. Tennessee Code Annotated, Section 9-8-302, is amended by adding the following new subsection (b)(3), as follows:

(3) In order to implement the creation of a mid-eastern division, the commissioner for such division shall serve an initial term of seven (7) years. Thereafter, the commissioner for the mid-eastern division shall be appointed to six (6) year terms. The eastern division commissioner shall continue to serve as eastern division commissioner.

SECTION 3. Tennessee Code Annotated, Section 9-8-302, is further amended by deleting subsection (c) and substituting instead the following:

(c) Each commissioner shall have resided in the division from which such commissioner is appointed for one (1) year prior to appointment, resided in Tennessee for five (5) years prior to appointment, and shall have been licensed to practice law in Tennessee for at least five (5) years prior to appointment. The divisional residency requirement for both the eastern and mid-eastern divisions is also satisfied by a commissioner who has resided in Knox County for one (1) year prior to appointment. No commissioner may practice law while serving on the commission. The commissioners shall discontinue the practice of law as soon after their appointments as is practicable. The commissioners shall comply with the standards of conduct contained in the Code of Judicial Conduct of the Rules of the Tennessee Supreme Court.

SECTION 4. Tennessee Code Annotated, Section 9-8-305, is amended by deleting subsection (1) and substituting instead the following:

(1) Hear and determine claims against the state falling within the categories enumerated in 9-8-307 and arising in the division from which the commissioner is appointed. Each commissioner has the authority to hear and determine claims assigned by the commission chairperson arising in divisions other than the division from which the commissioner is appointed.

SECTION 5. Tennessee Code Annotated, Section 9-8-305, is further amended by adding a new subsection to be designated as (2) and by renumbering subsequent subsections accordingly:

(2) The commissioners appointed from the eastern and mid-eastern divisions have the authority to hear and determine claims against the state arising in Knox County. The senior commissioner with respect to the two divisions, after taking into account the official locations of the respective commissioners and other relevant factors, and after consulting with the other commissioner, will make appropriate Knox County case assignments.

SECTION 6. Tennessee Code Annotated, Section 9-8-404, is amended by deleting subsection (c) and substituting instead the following:

(c) If the docket for any division becomes overloaded in the judgment of the commission chairperson, the chairperson may assign one (1) or more of the other three (3) commissioners to hear some of the claims in that division.

SECTION 7. For purposes of appointing a commissioner for the new mid-eastern division created by Section 1 of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, including the beginning of such new commissioner's term of office, this act shall take effect on July 1, 1996, the public welfare requiring it.

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